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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,404	08/30/2001	Douglas L. Sorensen	P11172	8246
59796	7590	09/10/2007	EXAMINER	
INTEL CORPORATION			TRAN, MYLINH T	
c/o INTELLEVATE, LLC			ART UNIT	PAPER NUMBER
P.O. BOX 52050			2179	
MINNEAPOLIS, MN 55402				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MN

Office Action Summary	Application No.	Applicant(s)
	09/943,404	SORENSEN ET AL.
	Examiner	Art Unit
	Mylinh Tran	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 and 21-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 06/19/07 has been entered.

Claims 1, 8 and 11 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior arts of record, therefore claim 1-19, 21 and 22 are rejected under the same ground of rejection as set forth in the Office Action mailed 12/19/06.

Claim Objections

Claims 23-25 have been canceled by the Applicant in the response filed 09/22/06. Thus, these claims should not be listed in the set of claims filed 06/19/07. Correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19, 21 and 22 are rejected under 35.U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19, 21 and 22 direct to an apparatus comprising software per se. Software per se is not one of the four categories of invention and therefore, these claims are not statutory. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. [US.2003/0037055] in view of Banning et al. [US. 5,421,008].

As per claims 1, 11, 19 and 21, Cheng et al. teach a computer implemented method and corresponding system for explaining search logic and results, comprising the steps/means: presenting a presentation model capable of explaining how a system model relates a plurality of search input elements to a comparison element (figure 5, page 5, 0067-0069), the presentation model comprising at least one of a method for the computer system to conceptualize the search logic and a method for the computer system to conceptualize the search logic and a method for a user to conceptualize the search logic (page 4, 0056-0058), wherein the system model comprising a collection of data and control concepts capable of being used to determine a first search result; presenting how the system model is related to the comparison element; and presenting a relative importance of the system model in comparison with the comparison element (page 6, 0081-0084).

Cheng et al. do not disclose the comparison element is selected from a list of potential comparison elements and generating a user interface that explains to a user a computer system's search logic and results. However, Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25; and the user interface explaining the computer

system's search logic and result (figure 10, column 2, lines 30-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 2, Cheng et al. teach presenting how parts of the system model being related to parts of the comparison element (page 2, 0022). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 3, Cheng et al. teach presenting a relative importance of the parts of the system model in comparison with parts of the comparison element (page 7, 0098). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element. It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 4, Cheng teaches presenting how parts of each of the plurality of search input elements are related to parts of the system model (page 7, 0095). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 5, Cheng teaches presenting a relative importance of the parts of the plurality of search input elements in comparison with the parts of the system model (page 4, 0058). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 6, Cheng et al. teach saving the system model (page 8, 0109). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claims 7, 13, and 22, Cheng et al. teach: receiving a modification to the plurality of search input elements to create a new plurality of search input elements (page 4, 0051-0053); determining at least a second search result (page 4, 0055-0059); updating the system model to create a new system model incorporating the modification (page 6, 0081); Cheng et al. do not disclose presenting how the new system model is related to the comparison element; and presenting a new relative importance of the new system model in comparison with the comparison element. However, Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25; and the user interface explaining the computer system's search logic and result (figure 10, column 2, lines 30-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 8, Cheng teaches a storage device coupled to the processor (page 6, 0075); a search component storable on the storage device and executable on the processor to accept at least one search input element and determine a first search result using a system model and a presentation component storable on the storage device (page 6, 0083) and executable on the processor to create a presentation of a presentation model relating the system model to one of the first search result (page 7, 0096-0098).

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Cheng et al. do not disclose the comparison element is selected from a list of potential comparison elements and generating a user interface that explains to a user a computer system's search logic and results. However, Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25; and the user interface explaining the computer system's search logic and result (figure 10, column 2, lines 30-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 9, Cheng teaches: the processor being a server (page 6, 0075); and further wherein the processor being capable of receiving the at least one search input element from a client (page 6, 0083). Cheng et al. do not disclose the comparison element is selected from a list of potential comparison elements and generating a user interface that explains to a user a computer system's search logic and results. However, Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25; and the user interface explaining the computer system's search logic and result (figure 10, column 2, lines 30-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in

Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 12, Cheng et al. do not disclose presenting a contribution of parts of the comparison element to parts of the system model and presenting a relative importance of parts of the system model in comparison with parts of the comparison element.

However, Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25; and the user interface explaining the computer system's search logic and result (figure 10, column 2, lines 30-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Cheng's system since it would have made it easier and faster to create comparison element.

As per claim 16, Cheng teaches the application being a database application (page 2, 0018).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Banning and further in view of Hsu (US 6,374,079).

As per claim 10, Cheng in view of Banning do not disclose the processor being capable of communicating in a wireless Internet environment. Hsu teaches a processor is adapted as an entry point onto network for wireless users having wireless Internet services (col. 7, line 63 - col. 8, line 8). It would have been obvious to an artisan at the time of the invention to use the teaching from Hsu of processor capable of communicating in a wireless Internet environment in the Cheng and Banning system since it would be convenient and easy to adapt to a wireless Internet technology.

Claims 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Banning and further in view of applicant's admitted prior art.

As per claims 14, 15, 17, and 18, Cheng in view of Banning do not disclose his explaining search queries are applied to electronic mail, Internet search engine, e-commerce, and document management. These features are taught by applicant's admitted prior art. It would have been obvious to an artisan at the time of the invention to modify the Cheng and Banning system for explaining search queries to implement in electronic mail, Internet search engine, e-commerce, and document management systems since it would have presented an overview of search presentation to users.

Response to Arguments

Applicant has argued that the references do not teach or suggest "generating a user interface that explains to a user the machine's search logic and results". However, Banning et al. teach a method and a system for providing a user with graphical, query software to directly manipulate a database. Banning et al. also teach operating of an algorithm in the memory of a processor which accesses data structures to determine the current status of a database and displays the logical relationships of the information storied in the database graphically. Banning et al. further teach a user employing a pointing device to select and change portions of the database and its logical relationships via the graphic user interface (column 2, lines 31-46);

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The applicant's attention is also directed to column 5, line 19 through column 7, line 48. Banning et al. teach a basic tenet of the user interface architecture for Structured Query Language queries being that unlike the computer with it's mathematical language and rigid parsing rules, humans user categories to organize information and understand relationships between object.

The applicant's arguments are not persuasive because it is clear that Banning et al. teach the user interface explains to the user a computer system's search logic and results by comprising information for the computer to perform a query of a relational database using SQL being visually structured into related objects with the text representing the objects of interest and the graphical representation of these objects depicting the relationships that exist or are of interest to the requester.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

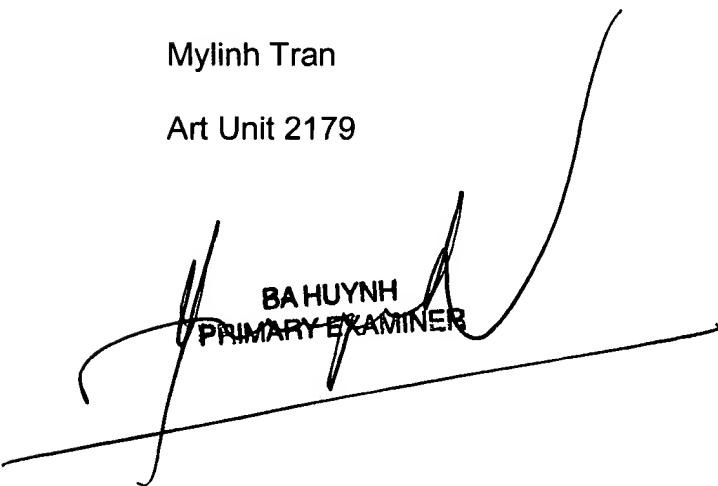
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER